

CALIFORNIA ENERGY COMMISSION
REPORT OF CONVERSATION Page 1 of 3

DOCKET

16-AFC-8

DATE FEB 06 2007



FILED RECD. FEB 07 2007

**Energy Facilities Siting and
Environmental Protection
Division**

PROJECT TITLE: Bullard Energy Center

<input checked="" type="checkbox"/> Telephone	559-621-8004	<input type="checkbox"/> Meeting Location: Conf call initiated by City of Fresno	
NAME:	City of Fresno, Planning & Development Department	DATE: 02-06-07	TIME: 3:00 p.m.
WITH:	Negar Vahidi, Land Use Technical Specialist and Jacob Hawkins, Staff Professional (Environmental Planning), Aspen Environmental Group		
SUBJECT:	City of Fresno Land Use Non-Conformity Issues associated with BEC		

COMMENTS:

I contacted the City to obtain a better understanding of their concerns regarding the non-conformity issues of the BEC in the M-1 zone, and to encourage them to attend the 2/7/07 informational hearing. The City Planning Secretary, Kerri Uyesaka, called me back this morning and requested a conference call between City staff and us. I also e-mailed the link for the hearing notice to Kerri and she confirmed receipt of the notice. We set up a conference call for 3:00 p.m.

At 3:00 p.m., the City patched Jacob Hawkins and I into a conference call. Attendees from the City were:

- Keith Bergthold, Acting Director of the Planning & Development Department
- Gil Harrow, Planning Manager
- Mike Sanchez, Supervising Planner
- Sandi Brach, Planner III
- Cathy Phelan, Deputy City Attorney

To start the call, I encouraged the City to really try and attend the hearing tomorrow. I briefly described what happens at the info hearings, and explained to them that it would be a great idea for them to get their concerns/issues heard by the Siting Committee early in the process. Keith Bergthold confirmed that they received the notice and that Mike Sanchez and Sandi Brach would both attend.

I proceeded to explain to them that the intent of the call was to hear their concerns and let them know who the players are and what the process is.

I asked them that we had heard that the City approved a less than 50 MW power plant at the BEC site in 2000/2001, and wanted to confirm that this had been approved by the City. Gil Harrow explained that, in fact, a less than 50 MW peaker plant was approved by the City at that site.

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ORIGINAL MAILED FROM SACRAMENTO ON 2/7/07**



I proceeded to ask how a greater than 50 MW power plant is now not in compliance, since it is the same type of industrial use. Cathy Phelan then proceeded to state that the 50 MW plant had been approved under Code Section 12-304 which allows for a CUP for Public Utilities/Public Facilities. In retrospect the City has realized that the original approval was an error as the plant (like this one) is a merchant plant and so would not actually be a public utility. So, in effect, the City should not have issued that approval at that site.

In the Director's opinion, even if the project were a public utility, a project of BEC's size and scale would not meet the Findings requirements of their CUP to allow such a heavy industrial facility in the M-1 zone. If the City was approving this project, it would have to go through a CUP, then the City would likely reject approval of that CUP, and the Applicant would then have to go through an appeal of the planning process. Even with that, the Director, would deny the CUP.

Gill Harrow pointed out that if we were to look strictly at the Municipal Code, we would find that this type of facility is only allowed under the City's M-3 District, which are the areas shaded in gray and allow only the heaviest type of industrial uses.

Upon the conclusion of these discussions, I pointed out that we didn't really have any further questions for them and asked if they had any questions for us. The following are items that the City brought up that are not directly related to the non-conformity issue:

- They had a lot of process questions. In particular, they wanted clarification of the CEC process. So, I went through and explained to them that the CEC Staff Assessment process is the CEQA equivalent process exercised by other government agencies in California, but because the CEC is subject to the Warren-Alquist Act, that the process is different. They kept asking for the CEQA EIR NOP, and I again explained that the process is different and that they would not necessarily receive what they are used to as the traditional NOP, but that they would receive other notices as required by the CEC process. I explained that we are still in the early stages of the process and reiterated that attendance at the Hearing tomorrow will also be helpful, because they can ask questions. I referred them to Eric Knight and indicated that although Jacob and I would not be in attendance, Eric (who's technically our supervisor on land use issues) would be in attendance. They requested that they be placed on a list to receive all project notices.
- The City asked for clarification as to who URS is and what their role is. They understand who Aspen is and that we are the CEC's consultant, but wanted to know what URS's involvement was at this point. Sandi Brach was under the impression that we would just take the environmental assessment work that URS had done and just re-package it. I explained the entire lay out of CEC Staff Assessments, and the fact that although we rely on the Applicant for Project Description and Baseline information, we always verify data and conduct our own independent analysis as required by CEQA and CEC requirements.
- The City requested E-size drawings (24"X36") of the project's site plans, elevations, and landscape plans. I pointed out that I would pass this on to Mary Dyas, our CEC Project Manager, since this request would have to be filled by the Applicant.



- The City also asked if the Staff Assessment would analyze alternatives. I pointed out that the SA will include numerous issue area analyses, including an analysis of alternatives. I also pointed out that each issue area and SA section is prepared by highly-qualified technical specialists. I then reiterated that CEC SAs are much more detailed and involved than the average EIR they may be used to seeing.
- The City indicated that they want to be able to review the alternatives. I pointed out that I would pass on all of the information we spoke about to Project Management staff so that all are aware, but encouraged them to bring up their points at the hearing.

cc: Eric Knight, Supervisor, CEC Siting Division Jacob Hawkins, Aspen	Signed:
	Name: Negar Vahidi

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE *BULLARD ENERGY
CENTER (BEC)***

**Docket No. 06-AFC-8
PROOF OF SERVICE**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-8
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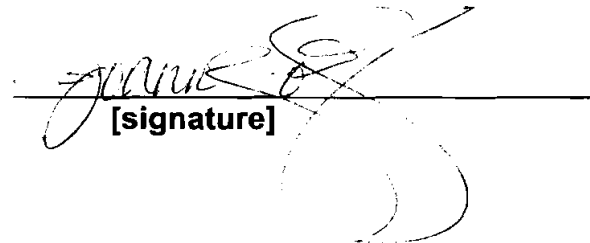
DECLARATION OF SERVICE

I, Joann Gonzales, declare that on February 7, 2007, I deposited copies of the attached Bullard Energy Center Issue Identification Report, in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.


[signature]